

REMARKS

The Office Action of March 3, 2003 has been carefully reviewed and these remarks are responsive thereto. By the present amendment, Applicants have amended claims 1, 9-14, 16, and 24, and added new claims 36-51. After entry of the present amendment, claims 1-51 will be pending. Support for the new claims can be found in the specification as filed, including paragraphs 22-25. No new matter has been added. Reconsideration and allowance of the instant application are respectfully requested.

Claims 1-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen (U.S. Pat. No. 5,991,737). Applicants respectfully traverse this rejection for at least the following reasons.

Independent claim 1 has been amended to recite that, in addition to the current condition of a dynamic variable, the first request comprises additional information about the first request which can be used as a basis for accepting or denying the request. New claims 36-38 further define two examples of additional information. The cited Chen reference does not teach or suggest the use of additional information about the first request, which can be used as a basis for accepting or denying the request.

In order to reject a claim as obvious under § 103(a), three criteria must exist: 1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings; 2) there must be a reasonable expectation of success; and 3) the prior art reference(s) must teach or suggest all the claim limitations. See MPEP § 706.02 (j); *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991). Thus, Applicants respectfully submit that, because the cited references do not teach or suggest all the claim limitations, amended claim 1 is allowable. Dependent claims 2-8 are allowable for at least the same reasons as independent base claim 1.

Independent claim 9 has been amended to more clearly recite that a single device performs the steps of receiving a broadcast signal, and sending to a call server a request to contact a second party. The cited Chen reference uses a separate receiver (16) and transmitter (18), and does not teach or suggest that a single device can be used for both purposes. While Chen discloses that the receiver and transmitter can be connected in some manner, col. 5, lines 23-41, the Chen system still requires that the transmitter be synchronized with a separate receiver. Col. 5, lines 34-35. Thus, the present invention advantageously reduces the amount of equipment required, and Applicants respectfully submit that amended claim 9 is allowable over Chen. Claims 10-15 and 34 are allowable for at least the same reasons as amended independent claim 9.

Claim 16 has been amended to recite that the request comprises addition information about the request as well as a current value of a dynamic variable representing the broadcast program, similar to the amendment to claim 1. Thus, Applicants submit that amended independent claim 16 is allowable for the same reasons as amended independent claim 1, and that dependent claims 17-23 and 35 are allowable for at least the same reasons as amended independent base claim 16. New claims 39-41 are allowable for at least the same reasons as independent base claim 16.

Claim 24 has been amended to recite that the request comprises additional information about the request as well as a current value of a dynamic variable representing the broadcast program, similar to the amendment to claim 1. Thus, Applicants submit that amended independent claim 24 is allowable for the same reasons as amended independent claim 1, and that dependent claims 25-32 are allowable for at least the same reasons as amended independent base claim 24. New claims 42-44 are allowable for at least the same reasons as independent base claim 24.

Original claim 33 is allowable for at least the same reasons as amended claim 9, namely, at least because claim 33 recites that the same device performs receiving and demodulating a broadcast

signal, and transmitting a request to establish a voice connection with the device associated with the broadcast radio program.

Applicant has added new claims 46-51, including independent claim 46 and dependent claims 47-51. Claim 46 recites that the connection request comprises additional information about the request. Claim 46 is allowable for at least the same reasons discussed above. Claims 47-51 are allowable for at least the same reasons as their respective base claims.

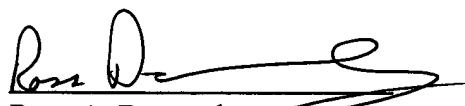
Based on the aforementioned claims 1-51 are in condition for allowance. Therefore, it is respectfully requested that the subject application be reconsidered and passed to issue at the Examiner's earliest possible convenience.

However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

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